

REMARKS

Claims 23-33, 35, and 36 are pending, with claims 23, 29, 35, and 36 being independent. Claims 1-22, 34, and 37-47 are cancelled without waiver or prejudice due to a restriction requirement as being drawn to a non-elected invention.

Interview Summary

Applicant and Applicant's representative wish to thank Examiner Al Hashemi for the assistance extended during the telephone interview held on May 11, 2005. In view of the discussion during the interview, the foregoing amendments, and the following remarks, reconsideration and allowance of the claims are respectfully requested.

Rejections under Section 112

Claims 23, 28, and 33 have been rejected under 35 U.S.C. 112, second paragraph, as failing to point out the limitation claimed. Applicant has amended claims 23, 28, and 33 to obviate this rejection, as discussed during the telephone interview, and summarized below where each of claims 23, 28, and 33 is discussed separately.

The Office Action indicates that the limitation of "comparing the second data and the third data" of claim 23 is unclear. Specifically, the Office Action questions to what the second data and the third data are compared, and whether the second data and the third data are compared to one another. In the absence of a third object to which the second data and the third data may be compared individually, "comparing the second data and the third data" clearly indicates that the second data is compared to the third data." Furthermore, the last limitation of claim 23 clearly indicates that a comparison between the second data and the third data occurs.

The Office Action also questions the relationship between the second and third data that allows comparison of the second and third data to any other thing or to each other. As recited in claim 23, the second data is a frequency, which is a numerical item, and the third data is a threshold, which also is a numerical item. Because the second data and the third data both are numerical items, the second data and the third data may be compared to one another.

Nonetheless, claim 23 has been amended to further clarify that the second data is compared "to" the third data. Such an amendment, however, does not affect the scope of the

claim 23, since such a comparison was clear in the original claim. As such, according to MPEP 706.07, Applicant asserts that the amendment to claim 23 in response to the 35 U.S.C. 112, second paragraph, rejection is not sufficient grounds for the next Office Action to be made final.

Claim 28 has been amended to clarify the meaning of the undefined acronym. Claim 33 has been amended to clarify which data requires "only numeric data."

For at least these reasons and as discussed during the telephone interview, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. 112, second paragraph, rejection of claims 23, 28, and 33.

Rejections under Section 102

Claims 23-36 stand rejected under 35 U.S.C. 102(b) as being anticipated by Durinovic-Johri et al (U.S. Patent No. 5,699,514). Applicants address this rejection separately with respect to claims 23 and corresponding claim 35, and claims 29 and corresponding claim 36.

Claims 23 and 35

Applicants have amended independent claims 23 and 35 to obviate this rejection of those claims and their respective dependent claims, as discussed during the telephone interview.

Claims 23 and 35 recite a method (claim 23) and a system (claim 35) for enabling a billing configuration that includes, among other features, receiving first data regarding a communications characteristic. Second data indicative of a frequency of usage related to the communications characteristic and third data indicative of a frequency of usage threshold are retrieved. The second data is compared to the third data, and a billing configuration is enabled based on results of the comparison between the second data and the third data.

Applicants respectfully request reconsideration and withdrawal of the rejection because Durinovic-Johri fails to describe or suggest all features and limitations of independent claims 23 and 35. Specifically, Durinovic-Johri fails to describe or suggest enabling a billing configuration based on results of the comparison between the second data and the third data, as recited in claims 23 and 35.

Durinovic-Johri describes an access control system that stores a primary code and a secondary code for each user that is authorized to access a resource (Durinovic-Johri, Abstract).

The user may provide only the primary code to gain access to the resource when the user has submitted less than a first threshold number of invalid requests for access to the resource within a first threshold amount of time. An invalid request from the user is a request that includes an indication of the primary code that does not match an indication of the primary code that is stored by the access control system. After the first threshold has been exceeded, the user may be required to provide both the primary and secondary codes to gain access to the resource. If the user provides indications of the primary and secondary codes that do not match the indications of the primary and secondary codes that are stored by the access control system more than a second threshold number of times within a second threshold amount of time, the user may be denied access to the resource for a particular amount of time.

Thus, Durinovic-Johri does not describe the features of enabling a billing user configuration based on results of the comparison between the second data and the third data, as recited in claims 23 and 35.

For at least these reasons and as discussed in the telephone interview, Applicant respectfully requests withdrawal of the 35 U.S.C. 102 rejection of claims 23 and 35, and their respective dependent claims.

Claims 29 and 36

Applicants respectfully traverse the objection of claims 29 and 36 and their respective dependent claims, as discussed during the telephone interview.

Claims 29 and 36 recite a method (claim 29) and a system (claim 36) for enabling a user configuration. Data regarding a communication characteristic is received, and a formatting characteristic of the data received is identified. The formatting characteristic is compared against a format criteria, and a user configuration is enabled based on results of the comparison between the formatting characteristic and the format criteria.

Applicants request reconsideration and withdrawal of the rejection because Durinovic-Johri fails to describe or suggest all features and limitations of independent claims 29 and 36. Specifically, Durinovic-Johri fails to describe or suggest identifying a formatting characteristic of the data received, as recited in claims 29 and 36. Furthermore, Durinovic-Johri fails to

describe or suggest comparing the formatting characteristic against a format criteria, as recited in claims 29 and 36.

As described above, Durinovic-Johri describes receiving one or two access codes and providing access to a resource based on a validity of the received access codes. The received access codes are compared to stored indications of the access codes to determine whether the received access codes are valid. The received access codes are not processed prior to comparison to the stored indications of the access codes.

Thus, Durinovic-Johri does not describe the features of identifying a formatting characteristic of the data received, as recited in claims 29 and 36. Furthermore, Durinovic-Johri fails to describe or suggest comparing the formatting characteristic against a format criteria, as recited in claims 29 and 36.

For at least these reasons and as discussed in the telephone interview, Applicant respectfully requests withdrawal of the 35 U.S.C. 102 rejection of claims 29 and 36, and their respective dependent claims.

No fees are believed to be due. During the prosecution of this application, please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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